

STATEMENT OF CONSIDERATION RELATING TO
907 KAR 20:040

Department for Medicaid Services
Amended After Comments

(1) A public hearing regarding 907 KAR 20:040 was not requested and; therefore, not held.

(2) The following individuals submitted written comments regarding 907 KAR 20:040:

<u>Name and Title</u>	<u>Organization/Agency/Other Entity</u>
Cara Stewart, Health Law Fellow	Kentucky Equal Justice Center
Kathy Adams, Directory of Public Policy	Children's Alliance

(3) The following individual from the promulgating agency responded to comments received regarding 907 KAR 20:040:

<u>Name and Title</u>	<u>Organization/Agency/Other Entity</u>
Lee Guice, Director	Department for Medicaid Services, Division of Policy and Operations,
Marchetta Carmicle, Administrative Branch Manager	Department for Medicaid Services, Division of Policy and Operations, Eligibility Policy Branch
Stuart Owen, Regulation Coordinator	Department for Medicaid Services

SUMMARY OF COMMENTS AND AGENCY'S RESPONSES

(1) Subject: Suggested Language Corrections

(a) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

"Page 5, line 12: Recommend change 'the' child to 'a' child."

(b) Response: The Department for Medicaid Services (DMS) is amending the language as recommended in an "amended after comments" administrative regulation.

(c) Comment: Kathy Adams, Directory of Public Policy for Children's Alliance, stated the following:

“Page 6, line 14: Recommend ‘the individual’ be changed to ‘the child’ to be consistent with the other subparagraphs.”

(d) Response: DMS is amending the language as recommended in an “amended after comments” administrative regulation.

(e) Comment: Kathy Adams, Directory of Public Policy for Children’s Alliance, stated the following:

Page 10, line 1: (2)(a) does not have language associated with it. Recommend the enumeration in Section 2 be corrected.

(f) Response: The Legislative Research Commission’s Regulations Compiler corrected this formatting via a “technical amendment.”

(g) Comment: Kathy Adams, Directory of Public Policy for Children’s Alliance, stated the following:

Page 10, line 18 to Page 11, line 13: Recommend that language in this section be changed to simply refer to the appropriate regulation, Section, etc.”

(h) Response: DMS is revising the language in an “amended after comments” administrative regulation to refer to 907 KAR 20:100, Modified Adjusted Gross Income Standards, and 907 KAR 20:075, Eligibility provisions and requirements regarding former foster care individuals and eliminating more descriptive language.

(2) Subject: Clarification of Dependents

(a) Comment: Cara Stewart, Health Law Fellow of Kentucky Equal Justice Center, stated the following:

“Section 1. Treatment of Income and Resources for a Parent, Dependent Child, ABD Applicant, or Recipient (3): We request clarification as to the inclusion of dependents, including a dependent adult child to be expanded to include the entire twenty first year for a dependent child, to include a dependent child throughout the possibility of a four year degree program after high school. Our suggested language would be simply to delete the word “under” throughout this regulation in terms of calculating household prior to the age and adding “or under” after the description.

Suggested language:

07 KAR 20: 040 Section 1(3) Excluding a child who is at least eighteen (18) years of age and who is blind or disabled and for purposes of deeming income and resources, a child age twenty-one (21) years or under living with a parent shall be considered a dependent minor child even if the child is emancipated under state law.”

(b) Response: DMS prefers to keep the age limit as is rather than increase it as suggested.

(3) Subject: Exempting QMBs, SLMBs, QI-1s, and Qualified Disabled and Working Individuals

(a) and (b) Comment and Response: Via an “amended after comments” administrative regulation, DMS is adding language to establish that the following individuals are exempt from the requirements in the administrative regulation:

- (1) A qualified Medicare beneficiary;
- (2) A qualified disabled and working individual;
- (3) A Medicare qualified individual group 1 (QI-1) individual; and
- (4) A specified low-income Medicare beneficiary.

DMS is making this amendment as federal law prohibits the application of relative responsibility requirements to these individuals.

SUMMARY OF STATEMENT OF CONSIDERATION AND ACTION TAKEN BY PROMULGATING ADMINISTRATIVE BODY

The Department for Medicaid Services (DMS) has considered the comments received regarding 907 KAR 20:040 and is amending the administrative regulation as follows:

Page 5

Section 1(4)(h)1

Line 12

After “limitations,” insert “a”.

Delete “the”.

Page 6

Section 1(4)(j)3

Line 14

After “of the”, insert “child”.

Delete “individual”.

Page 9

Section 2

Line 14

After “Cases.”, insert “(1)”.

Page 9

Section 2(1)

Line 17

Renumber this subsection by inserting “(2)” and by deleting “(1)”

Page 10

Section 2(2)

Line 1

Renumber this subsection by inserting “(3)” and by deleting “(2)”

Page 10

Section 3(1)

Line 18

After “Applicability.”, delete “(1)”.

Line 19

After “to”, insert a colon and the following:

(1) A qualified Medicare beneficiary;

(2) A qualified disabled and working individual;

(3) A Medicare qualified individual group 1 (QI-1) individual;

(4) A specified low-income Medicare beneficiary; or

(5)

Page 10

Section 3(1) and Section 3(1)1

Lines 19 and 20

After “individual”, delete the colon, the return, and “1.”.

Page 10

Section 3(1)1

Line 20

After “determined”, insert a colon, a return, and “(a)”.

Line 21

After “standard”, insert “pursuant to 907 KAR 20:100”.

Page 10

Section 3(1)1, Section 3(1)2, and Section 3(2)

Line 21 through

Page 11

Line 13

After “; or”, insert a return and “(b) Pursuant to 907 KAR 20:075”.

Delete subparagraph 2 and subsection (2) in their entirety.